



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

September 30, 1998

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Julia Bussey  
Romic Environmental  
2081 Bay Road  
East Palo Alto, CA 94303

Dear Ms. Bussey,

This letter responds to your inquiry of August 20, 1998, pertaining to section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). In your inquiry you state that Romic simply blends the waste fuels before shipping them off site. Your question asks whether listed toxic chemicals in waste fuels sent off site to be burned at cement kilns for energy recovery constitutes a covered activity requiring a threshold determination under EPCRA section 313.

The repackaging and transfer off site of toxic chemicals in waste fuels for burning is not manufacturing, processing or an otherwise use activity as those terms are defined in the EPCRA section 313 regulations (40 CFR Part 372). Therefore, your facility does not have to consider this activity toward threshold calculations. Romic should note, however, that if the facility were to burn the toxic chemicals in the waste fuel on site, this would constitute an otherwise use activity subject to threshold calculations. Because your facility sends the toxic chemicals in the waste fuels off site for combustion for energy recovery, this is not an EPCRA section 313 covered activity. However, if Romic exceeds an activity threshold elsewhere at the facility for the listed chemicals contained in the waste fuels, then those toxic chemicals in the waste fuels would have to be reported in the appropriate sections of 6.2 and 8 of the Form R.

I hope this information is helpful to you in making threshold determinations and release and other waste management calculations for section 313 of EPCRA. If you have any other questions, or desire further information, please call either Larry Reisman at 202.260.2301 or me at 202.260.9592.

Sincerely,

A handwritten signature in cursive script, appearing to read "Maria J. Dod".

Maria J. Dod, Ph.D., Chief  
Toxics Release Inventory Branch